

# **Committee on Ways and Means**

## ***Subcommittee on Human Resources***

**H.R. 4856**

### **Child Safety, Adoption and Family Enhancement Act of 2004 (Child SAFE Act) Principles Summary**

The Child SAFE Act builds on four key principles to answer “How can we ensure our most vulnerable children are adequately protected?”

#### **Principle 1: Provide More Resources to Ensure Children Are Protected**

A child’s safety should be the paramount consideration in any decision involving their well-being. Yet the Nation’s current child welfare system provides only limited and unpredictable funding for services to keep children safe while preventing their removal from their family and placement into foster care. In contrast, current rules provide limitless funding once children are placed in foster care, creating incentives that can unnecessarily break up families, harm children, and overwhelm the child welfare workforce with preventable cases.

#### **How the Child SAFE Act Ensures Children are Protected**

The Child SAFE Act converts current funding streams (IV-B programs and IV-E administration and training) into a single “Safe Children, Strong Families Grant” to prevent child abuse, protect children, and strengthen families. This grant would be increased by \$200 million per year on top of currently projected increases. In all, funds available for these purposes would rise from \$3.9 billion in 2005 to \$5.0 billion in 2014, a total increase of nearly \$6 billion. The legislation also provides predictable and growing funds to support foster care for all children, along with access to additional funds if foster care needs rise unexpectedly. Finally, the legislation broadens eligibility for open-ended adoption funds.

#### **Calls for Change to Status Quo**

- *“Children are likely to spend more time than necessary in foster care when their case-workers do not have the resources to provide or secure the kinds of assistance that might allow them to return home safely or prepare them to join another family.”* (Pew Commission on Children in Foster Care report, page 27)
- *“Community-based child protection programs have demonstrated that many families can be helped before there is a need for protective intervention with the family.”* (Testimony of Shay Bilchik, Child Welfare League of America, January 28, 2004)
- *“When we testified before this Subcommittee in 1979, we urged that funds for prevention and specialized services be put on an equal footing with funds for out-of-*

*home care, and today our message is similar....We urge the Subcommittee to give careful consideration to the issue of child welfare financing...and to craft reforms that will ensure long term gains for all vulnerable children and families.” (Testimony of MaryLee Allen, Children’s Defense Fund, June 11, 2003)*

## **Principle 2: Promote Better Program Results**

Current child welfare rules provide little incentive for states to keep children out of foster care or limit the amount of time children remain in foster care. States receive limitless federal funds for each child in foster care for as long as the child remains in foster care. State agencies are overwhelmed with casework, leaving children at risk. As recent Ways and Means subcommittee hearings revealed, too often these misplaced priorities have led to tragedy for children and families, including ongoing abuse and a growing number of children who run away and go undetected.

### **How the Child SAFE Act Promotes Better Results**

The Child SAFE Act reverses current perverse financial incentives by providing states predictable and growing foster care funds regardless of the number of children in foster care. Unlike the current system, states will continue to receive these funds to support current or future services, caseworker, or foster care needs. Unlimited federal funds for adoption placements would continue to be available for a growing number of children, expanding incentives to move children who cannot safely remain with their parents into loving adoptive homes, consistent with recent federal law changes. The bill also includes \$400 million in new “challenge grants” for states that exceed expectations in protecting children.

### **Calls for Change to Status Quo**

- *“States can reduce their use of foster care through any number of strategies, including prevention, early intervention, and family preservation to reduce the number of entries into foster care; intensive reunification services and follow-up services so children do not re-enter care after going home; increased adoptions; and increased guardianships.” (Pew Commission on Children in Foster Care report, page 25)*
- *“Too many vulnerable children across the country do not receive the protection and care they deserve. As we will hear today, the current Federal review of the child welfare system has discovered serious short-comings in every State....(M)ost States do not meet even half of the Federal standards for safety, permanency and well-being; and no State has passed all of the standards.” (Rep. Ben Cardin, May 13, 2004)*

## **Principle 3: Increase Accountability Levels**

Many critics of the nation’s current child welfare system suggest that the federal government should provide both (1) added accountability to make sure children are

protected and (2) additional funding for caseworkers, court personnel, and foster and adoptive parents to ensure that occurs.

### **How the Child SAFE Act Enhances Accountability**

The Child SAFE Act achieves both goals cited above. This legislation:

- (1) adds \$200 million in each year above the projected increases to the “Safe Children, Strong Families Grant,” used to hire, train, or better equip caseworkers that monitor children, and for court personnel involved in child welfare decisions, and foster and adoptive parents;
- (2) retains the current federal match for state investments in child welfare information systems, to encourage better monitoring of vulnerable children and their parents;
- (3) retains the current federal child welfare review process to hold states accountable for their efforts while providing them with additional resources and flexibility to better protect children; and
- (4) provides predictable and growing – but not unlimited – federal funds for foster care to ensure that states focus on keeping children with their own parents whenever possible or, when that is not a safe alternative, moving them quickly through foster care and into loving adoptive homes.

### **Calls for Change to Status Quo**

- *“Simply put, current federal funding mechanisms for child welfare encourage and over-reliance on foster care at the expense of other services to keep families safely together and to move children swiftly and safely from foster care to permanent families, whether their birth families or a new adoptive family or legal guardian.”* (Pew Commission on Children in Foster Care report, page 13)
- *“No matter how hard you try, government will never love a child the way his or her family must. But when those families cannot or will not provide that love and attention, government has a fundamental moral obligation to protect children. We have all got to do a much better job of filling the void.”* (Testimony of Kevin Ryan, New Jersey Child Advocate, November 6, 2003)

### **Principle 4: Increase State Flexibility**

State administrators and child welfare advocates for years have lamented current restrictions on eligibility for federal foster care and adoption payments. Current rules provide federal funds for children from families that would have been eligible for cash welfare benefits under the Aid to Families with Dependent Children (AFDC) program, which was repealed in the 1996 welfare reform law. This makes little sense, and results

in only some children being eligible for such federal support, resulting in repeated calls to “de-link” federal funding from these burdensome and restrictive eligibility criteria.

### **How the Child SAFE Act Increases Flexibility**

The Child SAFE Act gives states predictability for planning purposes by providing increasing annual funds for child welfare services and foster care. In addition, the legislation expands eligibility for federal foster care and adoption payments by “de-linking” eligibility from pre-1996 AFDC rules, allowing caseworkers to focus on protecting children rather than determining eligibility for programs that haven’t existed in nearly a decade. The legislation also expands the number and type of child welfare waivers states can receive, allowing them to try new approaches to better protect children.

### **Calls for Change to Status Quo**

- *“To redress this imbalance and ensure that every child who is abused or neglected has the protection of both the federal and state governments, the Pew Commission calls for the elimination of income requirements for federal foster care eligibility.”* (Pew Commission on Children in Foster Care report, page 23)
- *“Recognizing the constraints of growing federal and state budget deficits, APHSA and our NAPCWA members want to be a part of a reasonable and cost effective approach to afford states greater flexibility in the use of federal IV-E funds.”* (Testimony of Mary Nelson, National Association of Public Child welfare Administrators, January 28, 2004)
- *“Title IV-E should be amended to eliminate the requirement that links the eligibility of a child for foster care maintenance payments to the child’s eligibility for AFDC as it existed prior to July 16, 1996.”* (Testimony of William Bell, New York City Child Welfare Commissioner, January 28, 2004)